IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12044 of 2004

Between:

Pottem Niranjana Rao, s/o Veeraswamy, Aged 48 years, Business,
C/o Balaji Mannar, Flat No.4B, Magunta Layout, Nellore.

... PETITIONER

AND

The Mandal Revenue Officer, Venkatachalam Mandal,
Venkatachalam, Nellore district.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondent in seeking to evict the petitioner from Ac.2.08 cents of dry land comprised in Patta No.742, Sy.No.648, situated in Veerannakanupur Bit-I Village, Venkatachalam Mandal, Nellore District by issuing a notice dt.25-6-2004 to the father of the petitioner in Form I under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 as illegal, arbitrary, capricious, unjust and violative of provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and Articles 14, 21 & 300A of the Constitution of India and consequently direct the respondent not to dispossess the petitioner from the above said land without following due process of law.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, and with their consent, the writ petition is taken up for disposal at the stage of admission.

The case of the petitioner is that though he is the absolute owner of Ac.2.08 cents of land comprised in Patta No.742, Survey No.648 of Venkannapuram Bit/I Village, Venkatachalam Mandal, Nellore District, the respondent issued impugned eviction notice under Section 3 (2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 to his father alleging that the said land is an assigned land and as if his father is in possession of the same, which is illegal and arbitrary.

Since the impugned order is merely a show cause notice, it is not proper for this Court to interfere with the same. Suffice it to observe that the petitioner may, if he so chooses, submit his explanation thereto taking the defences available to him, and if the petitioner submits his explanation, the respondent shall consider the same and pass appropriate orders, expeditiously.

With the above observations, the writ petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date : July 14, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Venkatachalam Mandal,
Venkatachalam, Nellore district.

2. Two C Cs to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (O.U.T)

3. 2 C D copies.